

Chattanooga Police Department - Policy Manual

SOP-6 PROFESSIONAL STAFF SELECTION CRITERIA

Amends/Supersedes: SOP-6 (12/4/2017)

Reviewed: Annually/October

Date of Issue: 12/14/18

CALEA Chapter 31 (6th Ed.)

PURPOSE

The purpose of this standard operating procedure is to establish clear criteria for the selection of full-time and part-time civilian personnel.

I. EVALUATION

A. Civilian positions within the Police Department require a form of evaluation. This evaluation shall be determined and administered by the City Human Resources Office.

B. Applicants for some positions shall be screened by use of training and experience ratings applied to their applications by the City Human Resources Office.

C. All candidates are subject to post-offer employment assessments and background investigations.

II. EDUCATION [31.5.1d]

Educational requirements shall be related to the position being filled. Generally, a high school diploma or G.E.D. shall be sufficient with some positions requiring higher education or advanced training.

III. RESIDENCY [31.5.1a]

A. An applicant shall be a citizen of or authorized to work in the United States.

B. All applicants employed by the Chattanooga Police Department are required to establish and maintain residency in the state of Tennessee.

IV. DRIVING LICENSE /DRIVING HISTORY REQUIREMENTS [31.5.1a]

A. Certain civilian positions within the Police Department require an employee to operate a motor vehicle in the performance of his or her duties.

B. If required for the position, an applicant shall have a valid Tennessee driver's license. If the applicant is not a current resident of the State of Tennessee, he or she shall obtain a Tennessee Driver's license within thirty (30) days of establishing residency.

C. An applicant's driving record shall reflect a history of prudence and maturity in operating motor vehicles which shall be reflected in the applicant's driving record preceding the date of application (i.e. no established pattern of at fault accidents, no petitions for license suspension as a habitual violator). This requirement applies only to positions requiring the operation of City vehicles.

Disqualification: Failure to meet the above requirement shall result in a one year disqualification from date of termination of application. Reapplication may occur after that year if no evidence of moving violations or suspensions exists.

1. An applicant shall not have been convicted of or pleaded no contest to more than two moving traffic violations in the preceding 18 months from the date of application.

Disqualification: Temporary until selection criteria are met.

2. An applicant who has been convicted of a restriction code violation shall be disqualified.

Disqualification: Temporary until verification is made by Recruiting Division Officer that no action is pending by the Tennessee Department of Safety.

3. An applicant who has been convicted of or pleaded no contest to the offense of driving under the influence of an intoxicant shall be disqualified for five (5) years from date of conviction. Applicants who have more than one (1) conviction of driving under the influence of an intoxicant shall not be considered for employment.

Disqualification: Temporary for five (5) years for first offense and permanent with second offense.

4. An applicant who has been convicted of or pleaded no contest to the offense of driving under the influence of drugs not listed in the penalty group for termination shall be disqualified for five years from date of conviction. If it is determined that the applicant was convicted of or pleaded no contest to driving under the influence of a drug or drugs listed under drug penalty groups for termination, the applicant shall be permanently disqualified.

Disqualification: Temporary for five (5) years for first offense and permanent with second offense.

5. An applicant who admits to committing the offense of driving under the influence of an intoxicant may not be aware of what legally constitutes “under the influence of an intoxicant.” If there is any doubt whether the person was under the influence of an intoxicant, a recruitment supervisor shall be notified and requested to make that determination. Admissions of driving under the influence of an intoxicant within the past five (5) years shall result in a termination of the application process. The applicant shall be prohibited from reapplying until five (5) years after the date of the incident.

Disqualification: Temporary for five (5) years for first offense.

V. MEDICAL EXAMINATION

A. After an individual has been offered employment, the individual shall be required to submit to a physical examination pursuant to and in compliance with of the Chattanooga City Code. The individual shall be examined by a licensed physician approved by City Human Resources and be declared in writing to be:

1. Medically acceptable for the position or medically acceptable with accommodation; and
2. Show no trace of illegal drug usage.

B. If the physician rejects the individual, the results of that physician are final unless the individual provides separate medical information to the City's physician. An individual may submit additional information for reconsideration.

VI. CONTRADICTORY INFORMATION

A. Asserted contradictory or falsified information may serve as a ground for disqualification of an applicant.

B. When the asserted contradiction is restricted to information supplied by the applicant, the applicant shall be advised of the asserted contradiction and be given an opportunity to explain.

C. When the asserted contradiction is based upon information supplied from a third person under assurances of confidentiality, the degree of specificity and detail provided the applicant shall be as much as can reasonably be provided without disclosing or jeopardizing the source of the confidential information.

D. An applicant shall be disqualified for intentional dishonesty, serious distortions or purposeful omissions during the selection process.

E. Rejection of applicants under such circumstances shall be supported by complete written documentation of the underlying facts and rationale and shall be approved by the Personnel & Recruitment Manager, the Manager of Administrative Operations and the Director of Finance and Administration. The gravity of the situation, whether the applicant should have known about the information, and the criticality of the areas of concern shall all be considered.

Disqualification: In those cases in which the applicant intentionally falsified, inaccurately reported, or withheld information the applicant felt would disqualify the applicant, the applicant shall be permanently disqualified. All other cases involving contradictory information shall result in a rejection of the application for one year from the date of termination.

VII. BACKGROUND INVESTIGATION

A Background investigation of each candidate for all positions is conducted prior to appointment to probationary status, and includes: verification of qualifying credentials, a review of any criminal record, and verification of at least three (3) personal references. **[31.5.1a-f]**

Personnel used to conduct background investigations are trained in collecting required information. **[32.2.2]**

Criminal behavior on the part of the applicant, whether the applicant was convicted or he/she admits to the behavior, past or current, shall be examined closely. The applicant shall not have been convicted of or pleaded guilty or pleaded no contest to any felony offense or to any violation of federal or state laws relating to dishonesty or domestic violence. **[31.5.1b]**

A. General Provisions

1. An applicant shall be fingerprinted and be subject to a search of local, state and national records and fingerprint files to disclose any criminal record.
2. An applicant shall not be on probation or parole for a criminal offense at the time of his/her application.
3. An applicant shall not have ever confessed to a felony offense.
4. An applicant shall not be under indictment for a felony offense at the time of his/her application.
5. The current Tennessee and federal statutes shall determine whether, because of the applicant's admission, a crime was committed, provided that if an act occurred in a state other than Tennessee, the law of that state shall apply.

B. Juvenile Criminal Behavior (Applies only to positions in Records.) **[31.5.1b]**

1. Juvenile criminal behavior, identified by a record of convictions or admissions, may be considered disqualifying and accorded appropriate weight, depending upon the relevant surrounding facts and circumstances. An applicant shall be disqualified if:
 - a. as a juvenile, the applicant was convicted of a felony;
 - b. as a juvenile, the applicant committed, or attempted to commit, a crime involving the infliction of serious physical injury or sexual assault; or
 - c. as a juvenile, the applicant committed, or attempted to commit, a crime involving a deadly or illegal weapon.

Disqualification: Permanent.

2. Juvenile thefts shall be assessed in the same manner as adult thefts.

C. Adult Criminal Behavior **[31.5.1b]**

Adult criminal behavior shall be disqualifying under the following conditions:

1. Felony Convictions

- a. Any applicant shall not have been convicted of a felony offense under any state or federal law.

b. A person is convicted of a felony to which he/she has entered a plea of guilty or no contest, of which has been adjudged guilty, or for which a judgment of guilt was entered in a criminal case that has not been set aside on appeal, regardless of whether:

- 1) the sentence was subsequently probated and the person was discharged from probation;
- 2) the court deferred adjudication of guilt and the charging instrument was subsequently dismissed and the person released from all penalties and disabilities resulting from the offense; or
- 3) the person is pardoned, unless the pardon is expressly granted for subsequent proof of innocence.

c. If an applicant was charged with a felony offense but was punished for a misdemeanor, the applicant shall be disqualified for any felony admissions.

Disqualification: Permanent.

2. Misdemeanor Convictions

a. An applicant convicted of Class A or Class B misdemeanor shall be disqualified for two (2) years from date of the conviction of the offense.

b. An applicant convicted of a Class C misdemeanor, excluding theft (see section 7), is generally not disqualified. The number and relative point in time of pending court matters shall be taken into consideration and may be cause for disqualification.

Disqualification: Temporary until selection criteria are met.

3. Felony Admissions

Admissions of conduct constituting a felony shall result in permanent disqualification. Tennessee and federal law shall determine whether such conduct constitutes a felony, provided that if an act occurred in a state other than Tennessee, the law of that state shall apply

4. Misdemeanor Admissions

a. An applicant admitting to a Class A or Class B misdemeanor may apply or reapply after the two years from the date of the offense.

b. An applicant admitting to a Class C misdemeanor generally is not disqualified (excluding thefts, see section 8). The number of pending court matters, as well as the dates the incidents took place, shall be taken onto consideration and may cause disqualification.

5. Automatic permanent disqualification admissions:

- a. Indecent exposure;
- b. Patronizing prostitution of a child;
- c. Bribery;
- d. Retaliation for past action;
- e. Destruction of or tampering with government record;
- f. Criminal impersonation;
- g. Misuse of official information;
- h. Theft by a public servant of government property over which he/she exercises control in his/her official capacity; and
- i. Identity theft or identity theft trafficking.
- j. An applicant for School Patrol may be disqualified for any admission or conviction related to sex or drug related crime(s).

6. Thefts - Disqualification:

- a. Convictions or admissions of four (4) thefts, resulting in an offense no greater than a Class C misdemeanor within a three-year period shall disqualify the applicant for one year from date of the last offense.
- b. Admissions of having committed a theft which would result in an offense no greater than a Class C misdemeanor within the twelve (12) months immediately preceding the date of application shall disqualify the applicant for two years from the date of the offense.
- c. "Thefts" for this purpose includes, but is not limited to, shoplifting and the switching of price tags such that the amount or difference in prices would result in an offense no greater than a class C misdemeanor.

VIII. NARCOTICS USAGE [31.5.1b]

A. Marijuana Usage

An applicant who has not used marijuana within a period of one year immediately preceding his/her application shall be considered for investigation.

B. Other Drug Use

An applicant may be disqualified for prior use of drugs other than marijuana and alcohol. This decision shall be based on the recency and frequency of prior use and the severity of the drug in question. Severity of the drug shall be assessed in accordance with the Tennessee Controlled Substance Act Statutes listed in four penalty groups according to their severity, (See Controlled Substances Section and T.C.A. when applicable). Criteria for disqualification within each penalty group are as follows:

1. Penalty Group 1

Any applicant who has ever used a controlled substance within this penalty group may be considered for hire only after five (5) years from the date of last use.

2. Penalty Group 2

a. Any applicant who has one isolated experience with any one of the controlled substances within this penalty group shall be considered for further investigation. However, this experience shall not have been within five (5) years immediately preceding his/her application. If such use has occurred within this five-year period the applicant shall be disqualified for a length of time which shall establish a five-year period between the experience and the date of reconsideration.

b. Any applicant who has used any one controlled substance within this penalty group more than once or who has used two or more of these controlled substances shall be permanently disqualified.

c. Marijuana is the only Group 2 controlled substance with special conditions. See VIII, A for the conditions relating to marijuana use and consideration for employment.

3. Penalty Groups 3 and 4

a. Any applicant who has used any one or any combination of controlled substances within these penalty groups no more than ten times shall be considered for further investigation. One's prior use of any one of these substances shall not exceed ten. The most recent incident of use shall not have been within three (3) years preceding his/her application. If such use has taken place during this period, the applicant shall be disqualified for a length of time that shall establish a three-year period between the most recent incident of use and the date of reconsideration.

b. Any applicant who has exceeded the limit of ten prior uses of any one or any combination of controlled substances within these penalty groups shall be permanently disqualified.

C. Rehabilitated Drug Users

An applicant who admits to using drugs, the possession of which is a Class B or C misdemeanor, shall be allowed to continue processing if the applicant has completed a drug rehabilitation program, the applicant has not used drugs within one (1) year from the date of application and since completing the rehabilitation program. Any such applicant hired by the City shall be subject to periodic drug testing for two (2) years after the date of hiring.

D. Permitting and/or association with the use of controlled substances

Employees/applicants are expected to refrain from living in or frequenting households or areas where controlled substances are illegally possessed, used or distributed.

E. Drug screening of applicants.

Should drug screening of the applicant confirm the presence of a legal drug without a prescription or an illegal drug or narcotic, he/she shall be disqualified.

IX. PRIOR EMPLOYMENT [31.5.1e]

A. Employment References

1. A negative employment reference from an employer shall not by itself serve as grounds for disqualification. Multiple negative employment references may serve as grounds for disqualification depending on the nature of the problems documented by the prior employer.

Disqualification: For a period of one year from the date of rejection.

2. When the rejection is based upon information supplied from a third person under assurances of confidentiality, the degree of specificity and detail provided the applicant shall be as much as can reasonably be provided without disclosing or jeopardizing the source of the confidential information.

3. Applicants who were previously hired and who were subsequently terminated shall be required to wait one (1) year from the date of termination prior to reapplying with the Department. Applicants who voluntarily resign from the Department may reapply at any time.

B. Military Service

Unless otherwise required by state or federal law, an applicant shall not be disqualified based upon military re-enlistment codes. An applicant for the position of Communications Officer must not have been released or discharged under other than an honorable or medical discharge from any of the armed forces of the United States.

X. ORGANIZATIONAL AFFILIATION OR SYMPATHY

An applicant's organizational affiliations or sympathies shall not be grounds for disqualification unless there is evidence, or an admission, indicating any of the following:

A. The applicant personally agrees with, or has participated in, the unlawful actions of the organization or any advocacy of violence by the organization;

B. The applicant personally believes that discrimination based on race, color or national origin is proper; or

C. The applicant's connection with an organization would interfere with the applicant's ability to perform the duties required by the Department.

Disqualification: Permanent.

XI. DECEPTIVE POLYGRAPH REACTION

- A. The polygraph examination shall be utilized in the selection process as an investigative aid. The results of the polygraph examination shall not be used as the single determinant of employment status.
- B. An applicant whose results of the polygraph examination indicate deceptive reactions in areas of inquiry that would otherwise be disqualifying shall be handled in the following manner:
1. During the background investigation stage of the selection process, the investigator shall be allowed sufficient time to thoroughly check the area(s) of inquiry where the applicant had deceptive polygraph reactions; and
 2. If the background investigation is unable to uncover additional information concerning those areas of inquiry with deceptive polygraph reactions, the applicant shall be allowed to proceed in the process.

XII. SELECTION PROCESS [31.4.1]

- A. An applicant must successfully complete or pass each of the following phases, if applicable, in order to qualify for employment:
1. Complete application and return all required documents;
 2. Entry-level evaluation;
 3. Preliminary Questionnaire and Interview;
 4. Records Check (Criminal, Credit);
 5. Polygraph Examination;
 6. Background Investigation; and
 7. Final Interview.
- B. All elements of the selection process for all personnel shall be administered, scored, evaluated, and interpreted in a uniform manner within the classification. **[31.4.3]**
- C. At the time of their formal application, candidates for all positions are informed, in writing, of all elements of the selection process, the expected duration of the selection process, and the department's policy on reapplication. **[31.4.4]**
- D. All candidates not selected for positions are informed of their non-selection in writing by written letter or electronic notification. **[31.4.5]**
- E. The records of candidates not appointed to probationary status shall be filed and maintained for a period of one (1) year by City Human Resources Office. After that period the records, including background investigation information, medical exams, and psychological exams, shall be destroyed by shredding. **[31.4.6a-d]**
- F. All materials from the components of City Human Resources Office selection process shall be maintained in a secured manner by the Director of the City Personnel Office. ~~**[32.1.7]**~~ **[31.4.6b]**
- G. When materials used as part of the City Human Resources Office selection process are disposed of it shall be by shredding so as to prevent disclosure of the information. **[31.4.6a]**
- H. Only the Chattanooga City Personnel office may make a job offer. The Chattanooga City Human Resources office will schedule all medical and psychological examinations and drug testing of applicants.

XIII. EQUAL EMPLOYMENT OPPORTUNITY PLAN

- A. The Chattanooga Police Department shall ensure that no person be refused employment, given preference, or otherwise discriminated against because of race, sex, age, religion, ethnicity, national origin, disability, disabled or Vietnam era veterans, or sexual orientation, unless such action is consistent with applicable federal, state or local law. **[31.2.3]**
1. This policy relates to all phases of employment, including but not limited to advertising, recruiting, employment, placement, promotion, transfer, leave of absence, termination, rate of pay, selection for

training, use of facilities, vacation, and holidays.

2. Equal Employment Opportunity also applies to those with physical disabilities. Physical disabilities are disregarded unless those disabilities prevent the performance of the primary essential functions of the position. Concerns regarding equal employment opportunities may be addressed with the Chattanooga Police Department, the City of Chattanooga Department of Human Resources, or the Equal Employment Opportunity Commission for the State of Tennessee. **[31.2.3]**

3. All employment applications, recruitment materials, and recruitment advertisements shall advertise that the Chattanooga Police Department is an Equal Opportunity Employer. **[31.3.1.c] [31.2.3]**

B. To enhance the Chattanooga Police Department's credibility and sincerity, recruitment literature shall depict protected classes and/or disadvantaged groups in law enforcement employment roles.

A handwritten signature in black ink, appearing to read 'D. Roddy', written over a horizontal line.

David Roddy
Chief of Police
Chattanooga Police Department